(33)

HIGH COURT OF CHHATTISGARH : BILASPUR

Writ Petition (S) No. 6676 of 2007

Petitioner : M.K. Khalkho, S/o Shri Late Prabhucharan Khalkho, aged about 40 years, Occupation Child Development Project Officer, Ekikrit Bal Vikas Pariyojana, at Chandrameda (Bhaiyathan), Distt. Surguja (CG).

Versus

Respondents :

1. State of C.G., Through Secretary, Department of Woman and Child Welfare and Social Welfare, D.K.S. Mantralaya, Raipur (CG).
2. Director, Department of Woman and Child Welfare, Mantralaya, Raipur (CG).
3. Collector, Surguja, District Surguja (CG).
4. District Program Officer, Department of Woman and Child Welfare, District Surguja (CG).

(Writ petition under Article 226 of the Constitution of India)

Present :- Shri K.N. Nande, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State/respondents on advance copy.

ORAL ORDER
(17th November, 2007)

Sunil Kumar Sinha, J.

Heard on admission.

The petitioner, who is working on the post of Assistant Project Officer in Ekikrit Bal Vikas Pariyojana, Chandrameda, has been transferred from Chandrameda to Baikunthpur, on administrative grounds, vide order dated 28-10-2007 (Annexure-P/1).

Learned counsel for the petitioner argues that son of the petitioner is studying in 5th class and he has to appear in Board examinations. He also argues that the wife of the petitioner is working as Lecturer in Wadrafnagar. Therefore, if the transfer order is effected, it shall adversely affect the petitioner and his family members.

On being pointedly asked from learned counsel for the petitioner that since when the petitioner is working at Chandrameda, he submits that the petitioner is working there since last more than five years.

These are not the grounds for a Court of law to interfere with the transfer of the employee.

The transfer is an incident of service. Nobody working on a transferable post can claim for his posting at a particular place. Who should be posted where is to be seen by the employer which depends upon the administrative exigency as also public interest. Unless the order of transfer is shown to be vitiated by malafides, extraneous considerations or is shown to be passed against any statutory rule or the Act, the same cannot be interfered with by a Court of law, is the settled view of the Apex Court.

Learned counsel for the petitioner could not point out any such ground of malafide or of extraneous consideration or that the order has been passed against any statutory rule or the Act.

I do not find any reason to interfere with the order of transfer of the petitioner on this ground. The petition is dismissed at the motion stage itself.

Consequently, I.A.No.1, application for ad-interim writ also stands disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Gowri